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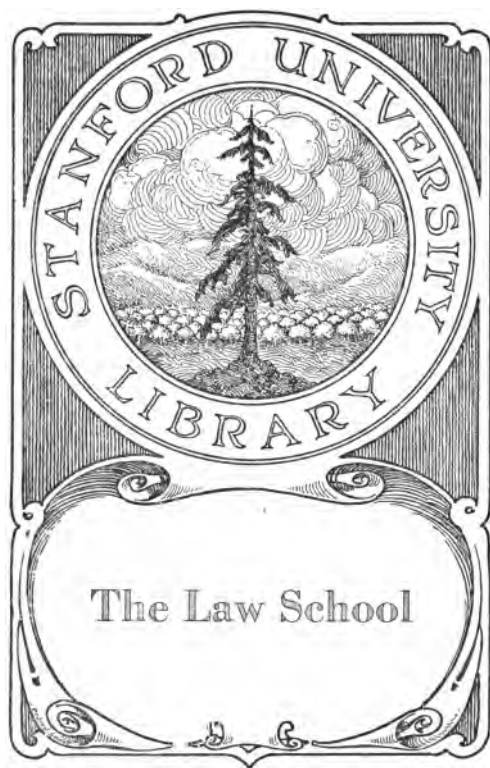
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Kentucky Call

ACTS

OF THE

General Assembly

OF THE

Commonwealth of Kentucky,

PASSED AT THE

Special Session of the General Assembly which was
Begun and Held in the City of Frankfort on
Thursday, the Twelfth Day of January,
One Thousand Nine Hundred and Five.

PROPERTY OF THE STATE OF KENTUCKY.

LOUISVILLE :
GEO. G. FETTER COMPANY,
1905

L 5717

1961

1961

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LAWS

OF THE

State of Kentucky

PASSED AT A SPECIAL SESSION OF THE GENERAL ASSEMBLY
WHICH WAS BEGUN AND HELD IN THE CITY OF
FRANKFORT ON THURSDAY, THE TWELFTH
DAY OF JANUARY, NINETEEN
HUNDRED AND FIVE.

CHAPTER 1.

AN ACT to amend and re-enact section, 1 of an act entitled, "An Act to provide for the erection and completion of the Capitol and other necessary buildings at the seat of Government." Approved by the Governor, February 6, 1904, and authorizing a change of Capitol site, and provide for the acquisition of lands therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled, "An Act to provide for the erection and completion of the Capitol and other necessary buildings at the seat of Government," approved February 6, 1904, be amended by striking therefrom the last sentence of said section, which sentence is in words as follows: "The buildings herein provided for shall be located and built upon the grounds, or lot, now used for the State Capitol, and not elsewhere," and inserting in lieu thereof, the following: "The said board is hereby authorized, empowered and directed to receive as a gift, to purchase or condemn for public use by writ of ad quod damnum, for the location and erection of the State Capitol and other necessary

buildings, the following described tracts or parcels of land, lying in and contiguous to the city of Frankfort, Franklin County, Kentucky, and bounded as follows, to-wit: First. That portion of property known as the "Hunt Place," which is situated at the Southern termini of Shelby, Main and Logan streets, in south Frankfort, containing twenty-two acres of ground bounded by Shelby street and the property known as the "Sayre" property on the south and southwest; by the Lawrenceburg turnpike, and the lot of the Frankfort Water Company, and Mrs. Mary Johnson on the east, and by the Frank Chinn resident property, and a vacant lot on the north. Second. The vacant lot between Logan street and Main street extended, fronting on the latter about three hundred feet and running back to Logan street about four hundred feet. Third. The vacant lot between the residence of Frank Chinn and the residence of William Cromwell, situated between Main street extended and Shelby street fronting on the latter about one hundred and sixty-eight feet. Fourth. The resident property of Frank Chinn, which is bounded by the "Hunt" property on the south, by Main street extended on the east; by the above described vacant lot on the north and by Shelby street on the west, fronting on the latter about one hundred and sixty-eight feet. Fifth. The lot of ground containing five and one-fourth acres, conveyed by P. B. Hunt's executor to Mary Johnson, and bounded by the present "Hunt" property on the west and south, by the Frankfort Water Works property and the Lawrenceburg turnpike on the east and on the north by the L. F. Johnson property and the Frank Chinn property. Sixth. The John W. Rodman lot, which fronts sixty feet on Logan street, and running back that width to Main street, extended about four hundred feet, and bounded by the

lots of Chinn, Noel and Rodman on the north, and by Chinn on the south. Seventh. A strip of ground about forty feet wide, and running along the east line of Main street extended, from the south line of Todd street to the north line of the lot conveyed by Frank Chinn to John W. Rodman; *Provided*, That it be left to the discretion of said board as to whether or not they purchase or receive the latter tract. Eighth. All the land bounded on the west by lot of J. W. Rodman, on the east side of Main street extended, on the north by Todd street, on the east by Logan street, and on the south by the lot of J. W. Rodman, hereinbefore mentioned, which land is severally owned by J. C. Noel, Thomas Tanner, Mrs. Jane Buttimer, Frank Chinn and Sallie Handy; *Provided*, That it be left to the discretion of said board as to whether or not it purchases, receives or procures this last-described land and at a cost not exceeding twenty thousand dollars, and the said board is empowered to receive as a gift, to purchase or condemn for public use by writ of ad quod damnum any land for a street or right of way, over or across any land which may intervene between any street or the Kentucky river in the city of Frankfort and the lot or lots of grounds received by said board; said writ of ad quod damnum shall run in the name of the Commissioners of the Sinking Fund, for the use and benefit of the Commonwealth of Kentucky and the proceedings to condemn any lands thereunder by the terms of this act shall be the same as the proceedings now provided by law for the condemnation of land by railroads in this State, and the said board is authorized to pay for said tracts or parcels of land herein described and all expenses necessary to obtain a perfect title to same, in the name of the Commonwealth of Kentucky, a sum not exceeding forty thousand dollars; and there is hereby appropriated the sum of forty thousand dollars,

or so much thereof as may be necessary to make the purchase of the first seven described tracts of land; and in the event that said board, in its discretion, shall purchase, receive or procure the last-described lots of land, now owned by J. C. Noel, Thomas Tanner, Mrs. Jane Buttimer, Frank Chinn and Sally Handy, there is hereby appropriated the additional sum of twenty thousand dollars, or so much thereof as may be necessary for said purpose. Said sum or sums of money to be paid out of the treasury out of money not otherwise appropriated, so that said section, when amended and re-enacted, will read as follows:

“§ 1. That the Commissioners of the Sinking Fund of Kentucky, by that name and style, are hereby created and authorized as a board to carry out the provisions of this act, and erect and complete the buildings herein provided for. The said board is hereby authorized, empowered and directed to receive as a gift, to purchase or condemn for public use by writ of ad quod damnum, for the location and erection of the State Capitol and other necessary buildings, the following described tracts or parcels of land, lying in and contiguous to the city of Frankfort, Franklin County, Kentucky, and bounded as follows, to-wit: First. That portion of property known as the “Hunt Place” which is situated at the southern termini of Shelby, Main and Logan streets, in south Frankfort, containing twenty-two acres of ground, bounded by Shelby street and the property, known as the “Sayre” property on the south and the southwest; by the Lawrenceburg turnpike, and the lot of the Frankfort Water Company, and Mrs. Mary Johnson on the east and by the Frank Chinn resident property and a vacant lot on the north. Second. The vacant lot between Logan street and Main street extended, fronting on the latter about three hundred feet and running back to

Logan street about four hundred feet. Third. The vacant lot between the residence of Frank Chinn and the residence of William Cromwell, situated between Main street extended and Shelby street, fronting on the latter about one hundred and sixty-eight feet. Fourth. The resident property of Frank Chinn, which is bounded by the "Hunt" property on the south, by Main street extended on the east, by the above described vacant lot on the north, and by Shelby street on the west, fronting on the latter about one hundred and sixty-eight feet. Fifth. The lot of ground containing five and one-fourth acres, conveyed by P. B. Hunt's executor to Mary L. Johnson, and bounded by the present "Hunt" property on the west and south, by the Frankfort Water Works property and the Lawrenceburg turnpike on the east, and on the north by the L. F. Johnson property and the Frank Chinn property. Sixth. The John W. Rodman lot which fronts sixty feet on Logan street, and running back that width to Main street extended, about four hundred feet and bounded by the lots of Chinn, Noel and Rodman on the north, and by Chinn on the south. Seventh. A strip of ground about forty feet wide, and running along the east line of Main street, extended from the south line of Todd street to the north line of the lot conveyed by Frank Chinn to John W. Rodman; *Provided*, That it be left to the discretion of said board as to whether or not they purchase or receive the latter tract. Eighth. All the land bounded on the west by lot of J. W. Rodman, on the east side of Main street extended, on the north by Todd street, on the east by Logan street and on the south by the lot of J. W. Rodman, hereinbefore mentioned, which land is severally owned by J. C. Noel, Thomas Tanner, Mrs. Jane Buttmer, Frank Chinn and Sally Handy; *Provided*, That it be left to the discretion of said board as to whether or

not it purchases, receives or procures this last-described land, and at a cost not exceeding twenty thousand dollars; and the said board is empowered to receive as a gift, to purchase, or condemn for public use by writ of ad quod damnum any land for a street, or right of way, over or across any land which may intervene between any street or the Kentucky river in the city of Frankfort, and the lot or lots of ground received by said board; said writ of ad quod damnum shall run in the name of the the Commissioners of the Sinking Fund and for the use and benefit of the Commonwealth of Kentucky, and the proceedings to condemn any land thereunder by the terms of this act shall be the same as the proceedings now provided by law for the condemnation of land by railroads in this State; and the said board is authorized to pay for said tracts or parcels of land herein described, and all expenses necessary to obtain a perfect title to same, in the name of the Commonwealth of Kentucky, a sum not exceeding forty thousand dollars and there is hereby appropriated the sum of forty thousand dollars, or so much thereof as may be necessary to make the purchase of the first seven-described tracts of land; and in the event that said board, in its discretion, shall purchase, receive or procure the last-described lots of land, now owned by J. C. Noel, Thomas Tanner, Mrs. Jane Buttimer, Frank Chinn and Sally Handy, there is hereby appropriated the additional sum of twenty thousand dollars, or so much thereof as may be necessary for said purpose, said sum or sums of money to be paid out of the treasury out of money not otherwise appropriated."

§ 2. All acts and parts of acts in conflict with this act are hereby repealed to the extent of such conflict only.

§ 3. Whereas the Governor has called the General

Assembly in extraordinary session to consider and act upon the question of the change of capitol site, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Approved by the Governor February 14, 1905.

RESOLUTIONS.

No. 1.

RESOLUTION for the benefit of the Ministers of the Frankfort churches.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of \$75 for the benefit of the ministers who have opened the sessions of the Senate with prayer during the present session, also a like amount for the ministers who have opened the House during the present session with prayer; said sums to be paid to the chief clerks of the Senate and House, to be distributed by them.

2. WHEREAS, This money is justly due said ministers and there is no law authorizing payment of same, and they need this assistance, this resolution shall take effect upon its adoption.

Approved by the Governor February 13, 1905.

No. 2.

RESOLUTION directing the payment to the widow of Hon. J. W. McCain, deceased, amount which would have been due him during this called session, had he lived.

WHEREAS, Hon. J. W. McCain, late Representative from Trimble county, has since the adjournment of the last General Assembly died, and,

WHEREAS, It is the will of this House, the Senate concurring therein, that the per diem salary together with railroad expenses and stationery is due, and ought to be paid to his surviving widow, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, that the auditor of public accounts be, and he is hereby authorized to draw his warrant on the treasurer of the State, by the order of the clerk of the House in favor of the widow of J. W. McCain, deceased, the sum of money that would have been due her husband at the end of the present called session, out of money not otherwise appropriated.

Became a law without the approval of the Governor, February 21, 1905.

No. 3.

RESOLUTION for the benefit of the pages, messengers, janitors, doorkeepers, and cloakroom keepers of the House and Senate.

WHEREAS, The pages, messengers, janitors, doorkeepers and cloakroom-keepers of the Senate and House, have performed their duties with a fidelity and industry that has greatly facilitated the labors of the General Assembly at this special session, and,

WHEREAS, Owing to the shortness of the session their per diem is insufficient to pay their board while here, and their actual traveling expenses in coming from and returning to their homes, and

WHEREAS, It is not proper or just that they should pay these expenses out of their slender means, now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the chief clerk of the Senate and the chief clerk of the House, be authorized and directed to draw their warrants on the auditor of the State as follows: The chief clerk of the Senate for the sum of..... dollars (\$), and chief clerk of the House for the sum of dollars (\$) and to distribute the said sums among the pages, messengers, janitors, door-keepers, and cloakroom-keepers of their respective Houses according as to the actual traveling expenses of each may be, and the said clerks will certify the same as contingent expenses of their respective Houses.

Became a law without the approval of the Governor, February 21, 1905.

No. 4.

RESOLUTION for the benefit of Robert Lyons.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of ten dollars (\$10) is hereby appropriated, out of any money in the treasury not otherwise appropriated, to Robert Lyons, for services rendered in waiting on committees of this General Assembly in the court of appeals room, during this session of the General Assembly.

Became a law without the approval of the Governor, February 21, 1905.

No. 5.

RESOLUTION for the benefit of Moses Butcher.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Moses Butcher be allowed the sum of one (\$1) dollar per day during this session of the General Assembly, for service in making fires and waiting on committees, attending and keeping fire in legislative hall rotunda, and cleaning water closet in legislative building.

2. Said services being now rendered, an emergency is declared and this resolution shall be in force on its approval by the Governor.

Became a law without the approval of the Governor, February 21, 1905.

No. 6.

RESOLUTION for the benefit of certain employes of the House and Senate.

WHEREAS, At the regular session of the General Assembly of Kentucky, held in the year 1904, John Payne was appointed as a messenger to the President of the Senate, Leming B. Corliss as a special messenger to the Senate and William Golden, as bill clerk to the Senate, and,

WHEREAS, Buford Osborne, Willie Beauchamp and Paul Williams were by joint resolution regularly adopted, appointed as special messengers and bill clerk to

the House, and J. Ekro Rapier, was appointed stenographer and assistant to the clerk, and,

WHEREAS, Each of the above named persons, except J. Ekro Rapier, has been present at this extraordinary session of the General Assembly, and performed the duties incumbent upon them, and which they performed at the regular session of the General Assembly, and,

WHEREAS, J. Ekro Rapier resigned the position of stenographer and assistant to the clerk, and the clerk of the House with the approval of the speaker of the House, under Rule 54, of the House, appointed to succeed J. Ekro Rapier, Miss A. D. Hutchison, therefore,

Be it resolved, by the House of Representatives, the Senate concurring therein, that the above named parties be, and they are hereby appointed to the above several named positions for this extraordinary term of the General Assembly, and they are to receive as pay for their services, \$2.50 per day, each, except Miss A. D. Hutchison, who shall receive \$3.00 per day, and the auditor will, when a certified copy of this resolution is presented to him, draw his warrant on the treasurer for the amount due each of said parties, and charge the aggregate amounts to the contingent expense fund of the General Assembly.

Became a law without the approval of the Governor, February 21, 1905.

No. 7.

RESOLUTION authorizing the employment of certain persons by the custodian of public buildings and providing for their pay.

Be it resolved by the House of Representatives, the Senate concurring therein, That Wm. Lyons, custodian of public buildings, be and he is hereby authorized and

directed to employ such persons as may be necessary to care for the back capitol, the stoves and furnaces in capitol buildings, and carrying books, etc., of clerks of both Senate and House of Representatives to and from their office during this session. The pay of such persons not to exceed in the aggregate four dollars per day, the same to be approved and certified as contingent expenses of this General Assembly by the chief clerks of the Senate and House.

Became a law without the approval of the Governor, February 21, 1905.

No. 8.

RESOLUTION declaring the present capitol site unsuited, for erection of the new capitol building.

Resolved by the House of Representatives, the Senate concurring therein:

That it is the opinion of its membership, that the present capitol site is inadequate, unsuited and unsightly upon which to erect the proposed new capitol.

No. 9.

RESOLUTION of respect to the memory of Hon. L. E. Weatherford, deceased, formerly member of the Kentucky House of Representatives.

WHEREAS, On the third day of February, 1905, Hon. L. E. Weatherford, of Graves County, Kentucky, departed his life, and his spirit was gathered to his Creator, who gave it, and,

WHEREAS, He was a member from Graves county, of the lower House of the General Assembly of the Commonwealth, for three successive terms, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That we, its membership, extend to his bereaved family and relatives and friends our sincere sympathy and condolence.

Resolved, Second, That the State has lost a citizen of sterling worth and integrity, and that we fully appreciate his most valiant services rendered to the State while he was a member of the General Assembly, well knowing that he had at all times the best interests of his constituents at heart, and never fearing to take a stand for the right, or to oppose that which was wrong,

Resolved, Third, That the law has lost one of its most able advocates of the bar, and the State one of her honored sons,

Resolved, Fourth, That a copy of these resolutions be spread upon the journal of each House, and a copy sent to the bereaved family.

No. 10.

RESOLUTION of respect to the memory of Hon. Carl Day, deceased, late a member of the House of Representatives in the General Assembly.

WHEREAS, God the Divine Legislator of all things has in his infinite wisdom seen fit to take from us our friend and fellow worker, Honorable Carl Day, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That by his death the Commonwealth has lost one of its most energetic, conscientious and hard working law makers; that we have lost a staunch, true and noble

friend, his constituents one who was ever awake in their interest, and untiring in his efforts to represent the people rather than allow himself to be biased by any petty personal views; his brother and sister alone surviving him have lost a kind, indulgent and honored brother, leaving two sorrowing hearts that time can never heal,

Resolved, That the heartfelt sympathy of this General Assembly is hereby tendered to his bereaved and sorrowing brother and sister;

Resolved, That a copy of this resolution be spread at large upon the journal of the Senate and House of Representatives, and that an engrossed copy of the same, with the great seal of this Commonwealth appended thereto, be presented to his brother and sister as an evidence of the high regard and esteem in which he was held by his colleagues in the General Assembly of the Commonwealth of Kentucky.

No. 11.

RESOLUTION of respect to the memory of Hon. Wm. C. P. Breckinridge.

To the Senate and House of Representatives of Kentucky:

We, the undersigned committee appointed to draft suitable resolutions concerning the life and death of Col. W. C. P. Breckinridge, would respectfully report the following, and recommend its adoption:

Colonel William Cabell Preston Breckinridge fell asleep and was gathered to the fathers on Saturday, November 19, 1904. A great man has fallen in Israel, and a mighty leader is no more. Soldier, statesman, orator, lawyer, thinker, publicist, leader, deeply devoted

to humanity, loving Kentucky with the intense passion of a faithful son, and our common country with the dauntless devotion born of a prophetic vision of its boundless possibilities; profoundly learned in all its history of the past, deeply conscious of the pressing duties and vexing problems of the day, with an ever brightening faith and confidence in the unborn future, he looked always upwards and forward, without dread or doubt, with no misgivings.

His heart beat for humanity, and his voice and pen spoke words of cheer, encouragement and hope, pointing always to higher purpose and nobler ideal. Of dauntless courage, magnetic presence, broadly cultured, his eloquence stirred the soul and moved the mind. Too honest for sophistry, too strong for demagogy, too clear minded for deceit, always and every where he was the fearless and intrepid leader who followed the clear line of duty as he had light to see it.

In the army following the flag of a doomed Confederacy, at the bar, and in the council chamber of a common country, as soldier, lawyer, public man his influence was large and potent, his ideals high and lofty, and his intellectuality, dominant and transcendent. Representing the best blood of many illustrious names, he measured up to the full standard and added fadeless luster to the names he bore, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, in his death, the Commonwealth and the Nation have lost a great man and a useful citizen who was faithful unto death. Be it further,

Resolved, That these resolutions be spread at length on the journals of the two Houses and that an enrolled copy be sent to the family of the deceased.

No. 12.

RESOLUTION of respect to the memory of Hon. J. W. McCain, late a member of the House of Representatives of Kentucky.

WHEREAS, Hon. J. W. McCain, late a Representative of Trimble and Oldham counties in this General Assembly, has, since its last regular session, been removed by death,

Resolved, By the General Assembly of the Commonwealth of Kentucky, That by his death the General Assembly has lost a wise, active, useful and esteemed member; his county and community a genial, patriotic and loyal citizen; his widow and children a generous and affectionate husband and father, and his fellow soldiers in the Confederate cause, a brave and devoted comrade.

"The records of the General Assembly wherein are registered his acts—notably the 'McCain Tobacco Bill,' and other useful measures, testify to the wisdom and efficiency of his services in both houses of this body.

"To us, his fellow members, his absence causes heart-felt grief; to his family, unfailing sorrow, and we and they shall keep his memory green.

"We bow in humble submission to this decree of the All Wise. As He gave to the departed the boon and the burden of life, so it was His to cut life's brittle thread at the appointed time.

"We therefore commit his memory to the keeping of a people, grateful for his life and for his public services—his body goes to its mother dust, 'as the dew drop slips into the sea;' his immortal part we commit to the Giver, truthfully reflecting, that, though,

" 'We know not where God's Islands lift
Their fronded palms in air;
We only know we cannot drift,
Beyond his loving care.'

"The heart-felt sympathy of the General Assembly is tendered to his bereaved family.

"Resolved, That these resolutions be spread at large upon the journal of the House of Representatives, and an engrossed copy of same be presented to his family as a token of the respect of his colleagues in the General Assembly."

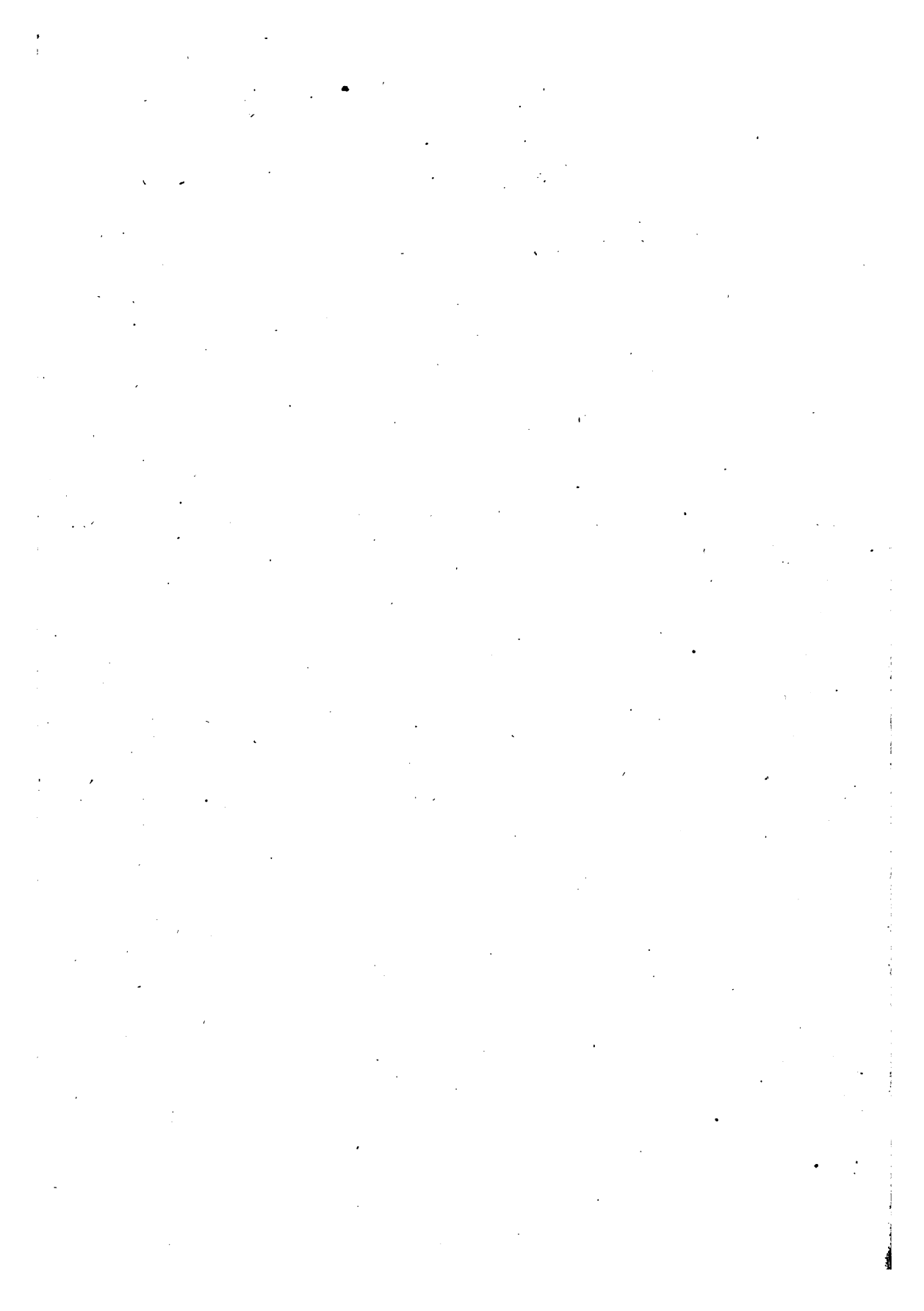
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